



General Assembly

January Session, 2015

Amendment

LCO No. 7998



Offered by:
SEN. MCLACHLAN, 24th Dist.

To: Subst. Senate Bill No. 593

File No. 293

Cal. No. 226

"AN ACT CONCERNING SEVERE MENTAL AND EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (9) of section 31-275 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

6 (9) (A) "Employee" means any person who:

7 (i) Has entered into or works under any contract of service or
8 apprenticeship with an employer, whether the contract contemplated
9 the performance of duties within or without the state;

10 (ii) Is a sole proprietor or business partner who accepts the
11 provisions of this chapter in accordance with subdivision (10) of this
12 section;

13 (iii) Is elected to serve as a member of the General Assembly of this
14 state;

15 (iv) Is a salaried officer or paid member of any police department or
16 fire department;

17 (v) Is a volunteer police officer, whether the officer is designated as
18 special or auxiliary, upon vote of the legislative body of the town, city
19 or borough in which the officer serves;

20 (vi) Is an elected or appointed official or agent of any town, city or
21 borough in the state, upon vote of the proper authority of the town,
22 city or borough, including the elected or appointed official or agent,
23 irrespective of the manner in which he or she is appointed or
24 employed. Nothing in this subdivision shall be construed as affecting
25 any existing rights as to pensions which such persons or their
26 dependents had on July 1, 1927, or as preventing any existing custom
27 of paying the full salary of any such person during disability due to
28 injury arising out of and in the course of his or her employment;

29 (vii) Is a member of the armed forces of the state while in the
30 performance of military duty, whether paid or unpaid for such
31 military duty, in accordance with the provisions of section 27-17, 27-18
32 or 27-61; or

33 (viii) Is elected to serve as a probate judge for a probate district
34 established in section 45a-2.

35 (B) "Employee" shall not be construed to include:

36 (i) Any person to whom articles or material are given to be treated
37 in any way on premises not under the control or management of the
38 person who gave them out;

39 (ii) One whose employment is of a casual nature and who is
40 employed otherwise than for the purposes of the employer's trade or
41 business;

42 (iii) A member of the employer's family dwelling in his house; but,
43 if, in any contract of insurance, the wages or salary of a member of the
44 employer's family dwelling in his house is included in the payroll on
45 which the premium is based, then that person shall, if he sustains an
46 injury arising out of and in the course of his employment, be deemed
47 an employee and compensated in accordance with the provisions of
48 this chapter;

49 (iv) Any person engaged in any type of service in or about a private
50 dwelling provided he is not regularly employed by the owner or
51 occupier over twenty-six hours per week;

52 (v) An employee of a corporation who is a corporate officer and
53 who elects to be excluded from coverage under this chapter by notice
54 in writing to his employer and to the commissioner; [or]

55 (vi) A sole proprietor or business partner who elects to be excluded
56 from coverage under this chapter by notice in writing to the
57 commissioner, provided such sole proprietor or business partner has
58 complied with the provisions of section 502 of this act; or

59 [(vi)] (vii) Any person who is not a resident of this state but is
60 injured in this state during the course of his employment, unless such
61 person (I) works for an employer who has a place of employment or a
62 business facility located in this state at which such person spends at
63 least fifty per cent of his employment time, or (II) works for an
64 employer pursuant to an employment contract to be performed
65 primarily in this state.

66 Sec. 502. (NEW) (*Effective October 1, 2015*) Any sole proprietor or
67 business partner who has elected to be excluded from coverage under
68 chapter 568 of the general statutes pursuant to subparagraph (B)(vi) of
69 subdivision (9) of section 31-275 of the general statutes, as amended by
70 this act, shall: (1) Provide written notice to each client currently
71 serviced by the sole proprietor or business partner that such sole
72 proprietor or business partner has elected to be excluded from

73 coverage under chapter 568 of the general statutes not later than five
74 business days after electing such exclusion; (2) provide written notice
75 to any client not currently serviced by the business that such owner
76 has elected to be excluded from coverage under chapter 568 of the
77 general statutes prior to engaging in any services for such client; and
78 (3) waive all rights and claims against any client, and against the state,
79 that may result from any injury such sole proprietor or business
80 partner may suffer while providing services to such client."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	31-275(9)
Sec. 502	<i>October 1, 2015</i>	New section